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Docket No.: 1254-0315PUS1
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Hisatoshi SHIDA et al.

Application No.: 10/581,495

Confirmation No.: 3821

Filed: June 2, 2006

Art Unit: 1642

For: HIGHLY SAFE SMALLPOX VACCINE
VIRUS AND VACCINIA VIRUS VECTOR

Examiner: Not Yet Assigned

REQUEST FOR CORRECTED NOTIFICATION OF ACCEPTANCE

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Attached hereto is the Notification of Acceptance in connection with the above-identified application.

THE FOLLOWING CORRECTION(S) ARE RESPECTFULLY REQUESTED:

DATE OF RECEIPT OF 35 U.S.C. §371 (c)(1), (c)(2) and (c)(4) REQUIREMENTS:

Change From: "June 2, 2006"

To: --January 26, 2007--

DATE OF RECEIPT OF ALL 35 U.S.C. § 371 REQUIREMENTS:

Change From: "June 5, 2007"

To: --January 26, 2007--

As evidence of Applicant's previous submission of all filing Requirements in connection with the present application, enclosed are copies of the Letter Submitting Additional Documents

Application No.: 10/581,495

Docket No.: 1254-0315PUS1

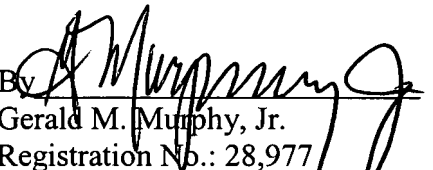
for Entering National Phase for a PCT Application, the Declaration and Power of Attorney, and the date-stamped postcard indicating receipt of the Declaration and Power of Attorney by the United States Patent and Trademark Office and payment of the appropriate fees by the Applicant.

It is respectfully requested that the United States Patent and Trademark Office forward a new Notification of Acceptance to the undersigned attorney showing the corrections.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17; particularly, extension of time fees.

Respectfully submitted,

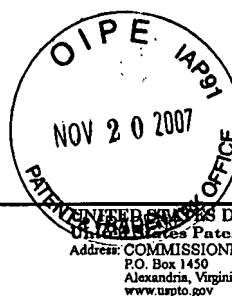
NOV 20 2007

By 
Gerald M. Murphy, Jr.
Registration No.: 28,977
BIRCH, STEWART, KOLASCH & BIRCH, LLP
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Suite 100 East
P.O. Box 747
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(703) 205-8000
Attorney for Applicant

Attachment(s)



UNITED STATES PATENT AND TRADEMARK OFFICE



UNITED STATES DEPARTMENT OF COMMERCE
 United States Patent and Trademark Office
 Address: COMMISSIONER FOR PATENTS
 P.O. Box 1450
 Alexandria, Virginia 22313-1450
 www.uspto.gov

PPD

U.S. APPLICATION NUMBER NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/581,495	Hisatoshi Shida	1254-0315PUS1

INTERNATIONAL APPLICATION NO.	
PCT/JP03/15632	
I.A. FILING DATE	PRIORITY DATE
12/05/2003	

2292
 BIRCH STEWART KOLASCH & BIRCH
 PO BOX 747
 FALLS CHURCH, VA 22040-0747

CONFIRMATION NO. 3821

371 ACCEPTANCE LETTER



OC000000025938696

Date Mailed: 09/21/2007

NOTICE OF ACCEPTANCE OF APPLICATION UNDER 35 U.S.C 371 AND 37 CFR 1.495

The applicant is hereby advised that the United States Patent and Trademark Office in its capacity as a Designated / Elected Office (37 CFR 1.495), has determined that the above identified international application has met the requirements of 35 U.S.C. 371, and is ACCEPTED for national patentability examination in the United States Patent and Trademark Office.

The United States Application Number assigned to the application is shown above and the relevant dates are:

<u>06/02/2006</u>	<u>06/05/2006</u>
DATE OF RECEIPT OF 35 U.S.C. 371(c)(1), (c)(2) and (c)(4) REQUIREMENTS	DATE OF COMPLETION OF ALL 35 U.S.C. 371 REQUIREMENTS

A Filing Receipt (PTO-103X) will be issued for the present application in due course. **THE DATE APPEARING ON THE FILING RECEIPT AS THE " FILING DATE" IS THE DATE ON WHICH THE LAST OF THE 35 U.S.C. 371 (c)(1), (c)(2) and (c)(4) REQUIREMENTS HAS BEEN RECEIVED IN THE OFFICE. THIS DATE IS SHOWN ABOVE.** The filing date of the above identified application is the international filing date of the international application (Article 11(3) and 35 U.S.C. 363). Once the Filing Receipt has been received, send all correspondence to the Group Art Unit designated thereon.

The following items have been received:

- Copy of the International Application filed on 06/02/2006
- Copy of the International Search Report filed on 06/02/2006
- Preliminary Amendments filed on 06/02/2006
- Information Disclosure Statements filed on 06/02/2006
- Biochemical Sequence Diskette filed on 04/19/2007
- Oath or Declaration filed on 01/26/2006
- Biochemical Sequence Listing filed on 04/19/2007
- U.S. Basic National Fees filed on 06/02/2006
- Specification filed on 06/02/2006
- Claims filed on 06/02/2006
- Abstracts filed on 06/02/2006

- Drawings filed on 06/02/2006

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

DONNA S GREENE

Telephone: (703) 308-9140 EXT 222

PART 1 - ATTORNEY/APPLICANT COPY

FORM PCT/DO/EO/903 (371 Acceptance Notice)



Docket No.: 1254-0315PUS1
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Hisatoshi SHIDA et al.

COPY

Application No.: 10/581,495 ✓

Confirmation No.: 3821

Filed: June 2, 2006

Art Unit: N/A

For: HIGHLY SAFE SMALLPOX VACCINE
VIRUS AND VACCINIA VIRUS VECTOR

Examiner: Not Yet Assigned

**LETTER SUBMITTING ADDITIONAL DOCUMENTS FOR ENTERING NATIONAL
PHASE FOR A PCT APPLICATION**

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Under the provisions of 37 C.F.R. 1.495, attached hereto are the following additional items necessary for entering the national phase in connection with the above-identified PCT international application.

- ☐ Attached is a copy of the Notification of Missing Requirements (371 Formalities Letter).
- ☒ Attached is the Executed Declaration and Power of Attorney ☒ Original ☐ Photocopy.
- ☐ The specification attached to the executed Declaration and Power of Attorney is a true copy of the specification that was filed in the U.S. Patent and Trademark Office on June 2, 2006, including any amendments thereto (if applicable) filed on even date therewith.
- ☒ The undersigned hereby declares that "Attorney Docket No. 1254-0315PUS1" on page 1 of the attached Inventors' Declaration corresponds to Appl. No.10/581,495 filed

June 2, 2006 entitled "HIGHLY SAFE SMALLPOX VACCINE VIRUS AND VACCINIA VIRUS VECTOR."

COPY

- ☐ Attached is an English language translation of the above-identified application that was filed in a foreign language, which should be used as the copy for examination purposes.

See the attached Translator's Verification; or

The undersigned states that the English translation attached hereto is a true and correct translation of the application as originally filed in a foreign language.

- ☐ Attached are 0 sheet(s) of drawings. Please substitute these replacement drawings for the corresponding 0 sheet(s) of drawings on file in the above-identified application.
- ☐ Attached are substitute claims commencing on a separate sheet in accordance with 37 C.F.R. § 1.75(h).
- ☐ Attached is a substitute abstract commencing on a separate sheet in accordance with 37 C.F.R. § 1.72(b).
- ☐ Attached is a substitute specification that complies with 37 C.F.R. § 1.52. The substitute specification does not contain new matter.
- ☐ Attached is a preliminary amendment.
- ☐ Applicant claims small entity status under 37 C.F.R. § 1.27.
- ☐ Attached is a Supplemental Application Data Sheet (ADS).
- ☒ Submitted concurrently herewith under separate cover for recording is an Assignment.
- ☐ Attached is a Petition for Extension of Time.

- ☒ The Government Filing Surcharge for late filing of oath and/or declaration in the amount of \$130.00 in accordance with 37 C.F.R. §§ 1.494 and 1.492 was previously paid for concurrently with the filing of the application on June 2, 2006.

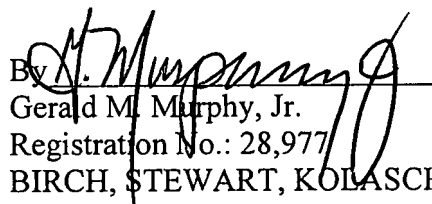
- ☐ Attached hereto is the fee transmittal listing the required fees.

COPY

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to our Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. § 1.16 or under § 1.17; particularly, extension of time fees.

Dated: January 26, 2007

Respectfully submitted,


By Gerald M. Murphy, Jr.
Registration No.: 28,977
BIRCH, STEWART, KOLASCH & BIRCH, LLP
8110 Gatehouse Road
Suite 100 East
P.O. Box 747
Falls Church, Virginia 22040-0747
(703) 205-8000
Attorney for Applicant

Attorney's Docket No.: 1254-0315PUS1

DECLARATION, POWER OF ATTORNEY AND PETITION

COPY

I (We), the undersigned inventor(s), hereby declare that:

My residence, post office address and citizenship are as stated below next to my name,

I (We) believe that I am (we are) the original, first, and joint (sole) inventor(s) of the subject matter which is claimed and for which a patent is sought on the invention entitled

Highly Safe Smallpox Vaccine Virus and Vaccinia Virus Vector

the specification of which

☐ is attached hereto.☒ was filed on _____ asApplication Serial No. 10/581,495and amended on June 2, 2006☐ was filed as PCT international application

Number _____

on _____

and was amended under PCT Article 19

on _____ (if applicable).

I (We) hereby state that I (We) have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above; that I (We) do not know and do not believe that this invention was ever known or used before my invention or discovery thereof, or patented or described in any printed publication in any country before my invention or discovery thereof, or more than one year prior to this application, or in public use or on sale in the United States for more than one year prior to this application; that this invention or discovery has not been patented or made the subject of an inventor's certificate in any country foreign to the United States on an application filed by me or my legal representatives or assigns more than twelve months before this application.

I (We) acknowledge the duty to disclose information known to be material to the patentability of this application as defined in Section 1.56 of Title 37 Code of Federal Regulations.

And I (We) hereby appoint: **BIRCH, STEWART, KOLASCH & BIRCH, LLP,**
CUSTOMER NUMBER 02292

COPY

I(We) hereby request that all correspondence regarding this application be sent to the firm of **BIRCH, STEWART, KOLASCH & BIRCH, LLP** whose Post office address is: 8110 Gatehouse Road, Suite 100 East, Falls Church, Virginia 22042-1248 U.S.A.

I (We) declare further that all statements made herein of my (our) knowledge are true and that all statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Hisatoshi SHIDA

NAME OF FIRST INVENTOR

H. Shida

Signature of Inventor

December 22, 2006

Date

Residence: Hokkaido, Japan

Citizen of: Japan

Post Office Address: _____

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Kita 16 Jou Nishi 4-Chome, Kita-ku,

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Minoru KIDOKORO

NAME OF SECOND INVENTOR

Minoru Kidokoro

Signature of Inventor

December 22, 2006

Date

Residence: Tokyo, Japan

Citizen of: Japan

Post Office Address: _____

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Gakuen, Musashimurayama-shi,

Tokyo 208-0011 Japan

Inventor: Hisatoshi SHIDA et al.

Atty Docket No.: 1254-0315PUS1

Application No.: 10/581,495

Filing Date: June 2, 2006

Title: HIGHLY SAFE SMALLPOX VACCINE VIRUS AND VACCINIA VIRUS VECTOR



Documents Filed:

Response to Notification of Missing Requirements (3 pages)
Executed Declaration

COPY



Via: BSKB Courier

Sender's Initials: GMM/btp

Due Date: January 26, 2007

Date: January 26, 2007